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8 Ronald C. Norris, Ronald G. Neubauer,  
9 Craig R. Edwards, Loretta Kelly, and Linda  
10 Talley

The Honorable Samuel J. Steiner  
Chapter 11  
Hearing Date: 7/22/10  
Hearing Time: 9:30 a.m.  
Courtroom 8106, Hon. Philip H. Brandt  
Response Due: At Time of Hearing

8 UNITED STATES BANKRUPTCY COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 In re:

12 Meridian Mortgage Investors Fund V, L.L.C.  
13 Meridian Mortgage Investors Fund VII, L.L.C.  
14 Meridian Mortgage Investors Fund VIII, L.L.C.  
15 Meridian Mortgage Investors Fund II, L.L.C.

16 Putative Debtors.

NO. 10-17952 SJS (FUND V)  
NO. 10-17953 SJS (FUND VII)  
NO. 10-17958 SJS (FUND VIII)  
NO. 10-17976 SJS (FUND II)

DECLARATION OF RANDY J.  
ALIMENT IN SUPPORT OF  
MOTION TO COMPEL  
EXAMINATION, FOR CONTEMPT,  
SANCTIONS AND THE ISSUANCE  
OF A BENCH WARRANT FOR  
DARREN BERG FOR FAILURE TO  
APPEAR FOR EXAMINATION  
PURSUANT TO 2004 ORDER AND  
SUBPOENA

18 I, RANDY J. ALIMENT, say:

19 1. I am an attorney at Williams, Kastner & Gibbs PLLC, and am one of the  
20 attorneys for interested parties and creditors, Ronald C. Norris, Ronald G. Neubauer, Craig R.  
21 Edwards, Loretta Kelly, and Linda Talley. I have personal knowledge of the facts set forth  
22 herein, and make this declaration in support of Motion for Contempt, Sanctions and the  
23

24  
25 DECLARATION OF RANDY J. ALIMENT IN SUPPORT OF  
MOTION TO COMPEL EXAMINATION, FOR CONTEMPT,  
SANCTIONS AND THE ISSUANCE OF A BENCH WARRANT FOR  
DARREN BERG FOR FAILURE TO APPEAR FOR EXAMINATION  
PURSUANT TO 2004 ORDER AND SUBPOENA - 1

**Williams, Kastner & Gibbs PLLC**  
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1 Issuance of a Bench Warrant for Darren Berg for Failure to Appear for his examination  
2 pursuant to a Rule 2004 Order and Subpoena.

3 2. On Tuesday, July 14, 2010, the court entered an Order on Ex Parte Motion For  
4 2004 Examination of Darren Berg, requiring Darren Berg to appear for examination at 10:00  
5 a.m. at the offices of Davis Wright Tremaine LLP, 1201 Third Avenue, Suite 2200, Seattle,  
6 Washington 98101 and to give testimony pursuant to the aforementioned Order. Exhibit A  
7 attached hereto.

8 3. Darren Berg was personally served with the Order on July 17, 2010. Service on  
9 Darren Berg of the Court's order and subpoena is a matter of record. Dkt No. 46.

10 4. Darren Berg failed to personally appear as Ordered.

11 5. I prepared for 3.5 hours to attend the scheduled examination of Darren Berg.

12 6. I also met with my clients, Craig Edwards and Ron Neubauer, at 9:30 a.m. that  
13 morning and attended the scheduled 2004 Examination at 10:00 a.m. with my clients.

14 7. At 10:45 a.m., Mr. Berg was still not in attendance.

15 8. My regular hourly rate is \$375.00 per hour. With a minimum of 4.75 hours  
16 incurred my fees total \$1,781.25.

17 9. There were 15 other attorneys and/or clients who were present for the 2004  
18 Examination of Mr. Berg. All of those attorneys and their clients' time was wasted. A copy  
19 of the sign up sheet is attached hereto as Exhibit B.

20 10. I am attaching hereto, as Exhibits C, D and E, three declarations of attorneys  
21 attending the examination that were e-mailed to me for filing, namely, the Declarations of  
22 Edward R. Thunen, Jack R. McClellan, and Jerry Kindinger.

23 The foregoing statement is made under penalty of perjury under the laws of the State of  
24 Washington and is true and correct.

25 DECLARATION OF RANDY J. ALIMENT IN SUPPORT OF  
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Signed at Seattle, Washington, this 21<sup>st</sup> day of July, 2010.

s/Randy J. Aliment, WSBA #11440  
Attorneys for Creditors, Ronald C. Norris,  
Ronald G. Neubauer, Craig R. Edwards, Loretta  
Kelly, and Linda Talley  
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